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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,007	01/26/2004	Timothy C. Schooler	SHO002USPT03	1292

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EXAMINER

OLSON, LARS A

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,007

Applicant(s)

SCHOOLER, TIMOTHY C.

Examiner

Lars A. Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 20-24, 26, 27 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-17, 20-24, 26, 27 and 29-37 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. An amendment was received from the applicant on June 15, 2005.
2. Claims 18, 19, 25 and 28 have been canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 7 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Crisp (US 2,678,018).

Crisp discloses the same personal watercraft as claimed, as shown in Figures 1-6, said watercraft being comprised of a hull, defined as Part #10, with a deck, defined as Part #17, having an upper planar surface, a bow, defined as Part #12, a stern, defined as Part #11, port and starboard sides, a longitudinally extending overall length, as shown in Figure 1, a laterally extending beam, as shown in Figure 5, a pair of pontoons, defined as Part #15, that are laterally and longitudinally repositionable within a single plane relative to said hull independent of each other between a storage position and a flotation position, as shown in Figure 2, a pair of starboard side connector links, defined as Part #16, a pair of port side connector links, defined as Part #16, and a means for releasably retaining said pontoons at a fixed lateral and longitudinal location,

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defined as Parts #34 and 37, where said pontoons are shifted aft from said storage position into said flotation position, as shown in Figure 2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp.

Crisp, as set forth above, discloses all of the features claimed except for the use of a deck that provides at least 16 to 20 square feet of surface, a watercraft with pontoons having a storage position maximum width of 3 to 4 feet, a maximum length of 6 to 8 feet, and a maximum transverse height of 1 to 3 feet.

The use of a watercraft having a deck surface of at least 16 to 20 square feet would be considered by one of ordinary skill in the art to be a design choice that is based upon the deck space required to accommodate a fixed number of persons and cargo aboard said watercraft.

The use of a watercraft having pontoons with a storage position maximum width of 3 to 4 feet, a maximum length of 6 to 8 feet, and a maximum transverse height of 1 to 3 feet, would also be considered by one of ordinary skill in the art to be a design choice

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that is based upon the required size of said pontoons in order to provide a desired amount of buoyancy to said watercraft.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a watercraft having a deck and pontoons with specific dimensions in combination with the personal watercraft as disclosed by Crisp for the purpose of providing a watercraft having sufficient deck space to accommodate persons and cargo, and pontoons for increased flotation and stability.

Allowable Subject Matter

7. Claims 12-17, 20-24, 26, 27 and 29-37 are allowed.
8. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed on June 15, 2005 regarding claims 1-7 and 9-11 have been fully considered but they are not persuasive.
10. The applicant argues that Crisp (US 2,678,018) does not disclose a personal watercraft with pontoons that are longitudinally repositionable within a single plane relative to a hull of said watercraft between a storage position, where at least a portion of said pontoons is transversely positioned beneath a deck, and an extended position.

11. In response to the applicant's argument, Crisp discloses a personal watercraft with a pair of pontoons that are longitudinally repositionable within a single plane relative to a hull of said watercraft, as shown in Figure 2, between a storage position, which is shown in solid lines in Figure 2, and an extended position, which is shown in dashed lines in Figure 2, where at least a portion of said pontoons is transversely positioned beneath a deck, defined as Part #17, when in said storage position, as shown in Figure 5. Therefore, for the reasons given above, the rejection of claims 1-7 and 9-11 is deemed proper and is not withdrawn.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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13. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

July 15, 2005

LARS A. OLSON
PRIMARY EXAMINER


7/15/05